

CASREF, ECF, REOPEN

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-01983-PKC**

Novogen Research Pty. Ltd. v. Natural Alternatives Int'l,
Inc.
Assigned to: Judge P. Kevin Castel
Referred to: Magistrate Judge Henry B. Pitman (Settlement)
Related Case: 1:05-cv-01984-PKC
Cause: 35:271 Patent Infringement

Date Filed: 02/10/2005
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Novogen Research Pty. Ltd.

represented by **James Kevin Stronski**
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TERMINATED: 05/25/2005
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V.

Defendant

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Counter Claimant**Natural Alternatives Int'l, Inc.**

V.

Counter Defendant**Novogen Research Pty. Ltd.**

Date Filed	#	Docket Text
02/10/2005	<u>1</u>	COMPLAINT against Natural Alternatives Int'l, Inc.. (Filing Fee \$ 250.00, Receipt Number 534139) Document filed by Novogen Research Pty. Ltd..(rdi,) Additional attachment(s) added on 2/15/2005 (tr,). (Entered: 02/11/2005)
02/10/2005		SUMMONS ISSUED as to Natural Alternatives Int'l, Inc.. (rdi,) (Entered: 02/11/2005)
02/10/2005		Case Designated ECF. (rdi,) (Entered: 02/11/2005)
02/10/2005		Magistrate Judge Henry B. Pitman is so designated. (rdi,) (Entered: 02/11/2005)
02/10/2005	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Novogen Research Pty. Ltd..(rdi,) Additional attachment(s) added on 2/15/2005 (tr,). (Entered: 02/11/2005)
02/10/2005		Mailed notice to Commissioner of Patents and Trademarks to report the filing of this action. (rdi,) (Entered: 02/11/2005)
02/28/2005	<u>3</u>	ORDER SCHEDULING INITIAL PRETRIAL CONFERENCE: Initial Pretrial Conference set for 4/15/2005 at 10:15 AM before P. Kevin Castel. (Signed by Judge P. Kevin Castel on 2/28/05) (kw,) (Entered: 02/28/2005)
04/04/2005	<u>4</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Natural Alternatives Int'l, Inc. served on 3/15/2005, answer due 4/4/2005. Service was accepted by Donna Peterson, Executive Assistant. Document filed by Novogen Research Pty. Ltd.. (Lief, Jason) (Entered: 04/04/2005)
04/04/2005	<u>5</u>	NOTICE of Appearance by Charles R. Hoffmann on behalf of Natural

		Alternatives Int'l, Inc. (Hoffmann, Charles) (Entered: 04/04/2005)
04/04/2005	<u>6</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - JOINT MOTION for Extension of Time to File Answer re: <u>1</u> Complaint Stipulated to by both parties; Answer due on or before April 25, 2005. Document filed by Natural Alternatives Int'l, Inc. Return Date set for 4/25/2005 06:00 PM. (Hoffmann, Charles) Modified on 4/7/2005 (kg). (Entered: 04/04/2005)
04/05/2005	<u>7</u>	STIPULATION AND ORDER for extension of time to respond to the complaint. Defendant Natural ALternative International, Inc. shall respond to the complaint in this matter on or before April 25, 2005. (Signed by Judge P. Kevin Castel on 4/5/2005) (D'Agostino, Andrew) (Entered: 04/05/2005)
04/05/2005		Set Answer Due Date purs. to <u>7</u> Stipulation and Order, as to Natural Alternatives Int'l, Inc. answer due on 4/25/2005. (D'Agostino, Andrew) (Entered: 04/05/2005)
04/26/2005	<u>8</u>	STIPULATION AND ORDER Extending time to respond to the complaint. Natural Alternatives Int'l, Inc. answer due 4/27/2005. (Signed by Judge P. Kevin Castel on 4/25/2005) (D'Agostino, Andrew) (Entered: 04/26/2005)
04/27/2005	<u>9</u>	NOTICE of Appearance by Mark Joseph Abate on behalf of Natural Alternatives Int'l, Inc. (Abate, Mark) (Entered: 04/27/2005)
04/27/2005	<u>10</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Natural Alternatives Int'l, Inc..(Abate, Mark) (Entered: 04/27/2005)
04/27/2005	<u>11</u>	ANSWER to Complaint with JURY DEMAND., COUNTERCLAIM against Novogen Research Pty. Ltd.. Document filed by Natural Alternatives Int'l, Inc..(Abate, Mark) (Entered: 04/27/2005)
05/25/2005	<u>12</u>	ORDER. Pursuant to Rule 1.4 of the Local Civil Rules of the US District Court for the Southern District of New York and having accepted the declaration of Porter F. Fleming, Esq. and there being no opposition from the defendant Natural Alternatives International, Inc. that Frommer Lawrence & Haug LLP is granted leave to appear as counsel in this case for plaintiff Novogen Research Pty. Ltd. (Signed by Judge P. Kevin Castel on 5/25/05) (yv,) (Entered: 05/26/2005)
05/26/2005	<u>13</u>	CASE MANAGEMENT PLAN: All parties do not consent to trial by Magistrate Judge. This case is to be tried to a jury. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order. Initial disclosures will be completed no later than 21 days from the date of this order. All fact discovery is to be completed by 12/5/2005. Initial requests for production of documents to be served by 6/30/2005. Interrogatories to be served by 6/30/2005 and parties may serve contention interrogatories on (a) infringement and (b) validity. Depositions to be completed by 12/5/2005. Expert depositions to be completed 30 days after exchange of

		rebuttal expert reports. Requests to admit to be served no later than 10/21/2005. A Markman hearing will be scheduled for March 2006. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery. All expert discovery shall be completed thirty days after the exchange of rebuttal expert reports. The submission date of the joint pre-trial order and trial papers is thirty days following the close of fact and expert discovery. The parties estimate the length of trial is eight days. Amended Pleadings due by 6/27/2005. Discovery due by 12/5/2005. Case Management Conference set for 9/30/2005 02:15 PM before P. Kevin Castel. (Signed by Judge P. Kevin Castel on 5/26/2005) (D'Agostino, Andrew) (Entered: 05/26/2005)
05/31/2005	<u>14</u>	ORDER. Pursuant to Rule 1.4 of the Local Civil Rules of the US District Court for the Southern District of New York, Frommer Lawrence & Haug LLP is granted leave to appear as counsel in this case for plaintiff Novogen Research Pty. Ltd. (Signed by Judge Harold Baer on 5/27/05) (yv,) (Entered: 06/01/2005)
06/14/2005	<u>15</u>	REPLY re: <u>11</u> Answer to Complaint, Counterclaim <i>To Defendant's Answer, Counterclaims and Jury Demand</i> . Document filed by Novogen Research Pty. Ltd.. (Fleming, Porter) (Entered: 06/14/2005)
09/27/2005	<u>16</u>	ORDER OF DISMISSAL without prejudice to the right to reopen the action within thirty (30) days if the settlement is not consummated... without costs. (Signed by Judge P. Kevin Castel on 9/27/2005) (D'Agostino, Andrew) (Entered: 09/27/2005)
10/26/2005	<u>17</u>	ENDORSED LETTER addressed to Judge P. Kevin Castel from Porter F. Fleming dated 10/26/05 re: counsel for parties request that the order of dismissal be extended for an additional 30 days. Application granted. (Signed by Judge P. Kevin Castel on 10/26/05) (dle,) (Entered: 10/26/2005)
11/21/2005	<u>18</u>	ENDORSED LETTER addressed to Judge P. Kevin Castel from Porter Fleming dated 11/21/05 re: counse for parties jointly request an extension of the 10/26/05 order extending the date of the order of dismissal with the right to reopen this action if settlement is not consummated. Application granted. (Signed by Judge P. Kevin Castel on 11/21/05) (dle,) (Entered: 11/22/2005)
12/27/2005	<u>19</u>	ENDORSED LETTER addressed to Judge P. Kevin Castel from 12/20/05 dated 12/20/05 re: Application GRANTED. Paties have final thirty (30) day extension of time to consummate settlement. (Signed by Judge P. Kevin Castel on 12/21/05) (db,) (Entered: 12/28/2005)
01/23/2006	<u>20</u>	ENDORSED LETTER: addressed to Judge P. Kevin Castel from Porter F. Fleming dated 1/20/2006. ENDORSEMENT: Application Granted. Parties are to appear for a conference on 2/17/2006 at 9:45 a.m. So Ordered. (Signed by Judge P. Kevin Castel on 1/23/2006) (lb,) (Entered: 01/23/2006)
02/17/2006		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim

		Pretrial Conference held on 2/17/2006. See Case Management Plan dated February 17, 2006. (ad,) (Entered: 02/17/2006)
02/17/2006	<u>21</u>	CASE MANAGEMENT PLAN: Discovery due by 9/30/1966. Final Pretrial Conference set for 10/20/2006 11:30 AM before Judge P. Kevin Castel. Pretrial Order due by 10/10/2006. All fact discovery shall be completed by 8/4/06. (Signed by Judge P. Kevin Castel on 2/17/06) (dle,) (Entered: 02/21/2006)
02/17/2006	<u>22</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for settlement. Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge P. Kevin Castel on 2/17/06) (dle,) (Entered: 02/21/2006)

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